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Attorney for Defendant,  
BELL TRANS

U.S. DISTRICT COURT  
DISTRICT OF NEVADA

**THEODORE TRAPP**, on his own behalf and on behalf of all others similarly situated.

} CASE NO. 2:09-CV-00995-KJD-GWF

Plaintiff,

VS.

**DEFENDANT, BELL TRANS',  
SUPPLEMENT TO MOTION  
TO DISMISS AND/OR  
JOINDER TO FRIAS  
MANAGEMENT, LLC'S MOTION  
TO DISMISS**

BIG POPPA'S, LLC, a Nevada limited liability company d/b/a BADDA BING MEN'S CLUB; SKY TOP VENDING, INC., a Nevada corporation d/b/a CAN CAN ROOM; LA FUENTE, INC., a Nevada corporation d/b/a CHEETAH'S; C.P. FOOD AND BEVERAGE, INC., a Nevada corporation d/b/a CLUB PARADISE; DÉJÀ VU SHOWGIRLS; PALOMINO CLUB, INC., a Nevada corporation d/b/a PALOMINO CLUB; SHAC, LLC, a Nevada corporation d/b/a SAPPHIRE; K-KEL, INC., a Nevada corporation d/b/a SPEARMINT RHINO; D.2801WESTWOOD INC., a Nevada corporation d/b/a TREASURES; LITTLE DARLINGS OF LAS VEGAS, LLC, a Nevada limited liability company d/b/a LITTLE DARLINGS; O.G. ELIADES, A.D., LLC, a Nevada limited liability company d/b/a OLYMPIC GARDENS; LAS VEGAS ENTERTAINMENT, LLC, a Nevada limited liability company d/b/a LARRY FLYNT'S HUSTLER CLUB; MICHAEL A. SALTMAN d/b/a MINXX; RICK'S LAS VEGAS; FRIAS MANAGEMENT, LLC, a Nevada limited liability company d/b/a ACE CAB COMPANY and A-NORTH LAS VEGAS CAB; WESTERN CAB COMPANY, a Nevada corporation d/b/a WESTERN CAB COMPANY and WESTERN LIMOUSINE; NEVADA CHECKER CAB CORPORATION, a Nevada corporation d/b/a NEVADA CHECKER CAB COMPANY; NEVADA STAR CAB CORPORATION, a Nevada corporation d/b/a STAR CAB COMPANY; NEVADA YELLOW CAB CORPORATION, a Nevada corporation

1       d/b/a YELLOW CAB COMPANY; LUCKY CAB      )  
2       COMPANY OF NEVADA, a Nevada corporation    )  
3       d/b/a LUCKY TRANS; SUN CAB, INC., a Nevada )  
4       corporation d/b/a NELLIS CAB COMPANY; CLS    )  
5       NEVADA, LLC, a Nevada limited liability    )  
6       company d/b/a CLS TRANSPORTATION          )  
7       LAS VEGAS; ON DEMAND SEDAN                )  
8       SERVICES, LLC, a Nevada limited liability )  
9       company d/b/a ODS LIMOUSINES and ODS     )  
10      CHAUFFEURED TRANSPORTATION; BLS            )  
11      LIMOUSINE SERVICE OF LAS VEGAS, INC.;     )  
12      DESERT CAB, INC., a Nevada corporation d/b/a )  
13      DESERT CAB COMPANY and ODYSSEY            )  
14      LIMOUSINE; BELL TRANS A NEVADA             )  
15      CORPORATION, a Nevada corporation d/b/a    )  
16      BELL TRANS; TONY CHONG, an individual;    )  
17      and DOE EMPLOYEES 1-1000;                    )  
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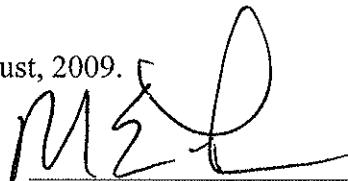
13       Defendant, Bell Trans, by and through its counsel, Mark E. Trafton, supplements their  
14       Motion to Dismiss and/or Joinder to Frias Management, LLC's Motion to Dismiss (Document 191),  
15       filed on August 24, 2009, by clarifying that Bell Trans requests that this Court grant their Motion  
16       to Dismiss, or in the alternative, Bell Trans joins in and adopts Defendant Frias Management, LLC's  
17       Motion to Dismiss (Document 159) filed July 31, 2009, as though fully set forth herein.

18       Finally, Bell Trans, in its moving papers, neglected to cite a recent Nevada Supreme Court  
19       case, *Baldonado v. Wynn Las Vegas, LLC*, 194 P.3d 96 (2008). *Baldonado* stands for the  
20       proposition that no private right of action stands unless there is express mention of such within the  
21       relevant statutory scheme, or unless a private right of action may be implied from legislative intent.  
22       In the present case, as in *Baldonado* (referring to NRS 608), there is no express private right of  
23       action conferred within either NRS 706 or NAC 706. Furthermore, as in *Baldonado*, since the  
24       administrative procedure is thorough, and it addresses the very behavior Bell Trans is accused of,  
25       a private right of action against Bell Trans cannot be implied. The *Baldonado* case buttresses Bell  
26       Trans' argument that Trapp must first proceed against Bell Trans before the Nevada Transportation  
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1 Authority.

2 Dated this 25 day of August, 2009.

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7 Attorney for Defendant,  
BELL TRANS

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 25 day of August, 2009, I electronically transmitted the  
**"DEFENDANT, BELL TRANS', SUPPLEMENT TO MOTION TO DISMISS AND/OR**  
**JOINDER TO FRIAS MANAGEMENT, LLC'S MOTION TO DISMISS"** to the Clerk's Office  
using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the counsel  
listed below, who have registered to receive Electronic Filing:

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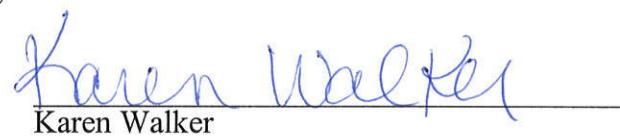
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Karen Walker